 --Claim 23. The process of claim 20, wherein said backing material is sterilized by  $\gamma$  (gamma) radiation--

REMARKS

This application pertains to a novel process for producing a partially self-adhesively treated backing material.

Claims 1-23 are pending, Claim 23 being added by this amendment. Claim 23 does not represent new matter, as it only recites a limitation that was present in Claim 20, as originally filed.

The Examiner has called for a new abstract, and one has now been provided.

Claims 1, 7, 8, 10 and 12 stand objected to because the Examiner sees something wrong with the expressions "a1" and "a2" in Claim 1. Although there is nothing wrong with the use of such expressions, as such is simply a matter of style, Applicants take it that the Examiner would prefer a different style. Claim 1 has been restyled accordingly.

Claims 1-5, 7, 8-12, 15, 16, 20, 21 and 22 stand rejected under 35 U.S.C. 112, second paragraph, for various reasons indicated more specifically in the Office Action. Most of the issues raised by the Examiner have been obviated by appropriate claim amendments. Some of the issues raised by the Examiner in this rejection are

respectfully traversed, as follows:

In claim 3, it will be clear to those skilled in the art that "closed surface" means that the deformation of the domes or polygeometric forms causes them to come together, at least at the surfaces that are deformed, to close the openings between them. It will also be understood by those skilled in the art that the connection of the domes to one another by means of lines means that the deformation is sufficient to cause the domes to contact each other, and the contact between two adjacent domes or polygeometric forms forms a line. That is to say, that when the two first touch each other, the area of contact might form a dot. If they come together a little bit more, a line will be formed at the areas of contact. This will be understood by those skilled in the art.

With respect to the redundant expression the Examiner refers to, such expression does not seem to be present in the claims. If the Examiner disagrees, she is respectfully asked to point out specifically where she sees it in Claim 3.

With respect to Claim 5, those skilled in the art are very familiar with the nozzle process of applying an adhesive to a surface.

With respect to Claim 7, it is clear that the first backing material is a roller or a belt. Thus, the domes or polygeometric forms are applied to said roller or belt, and can then be transferred from said roller or belt to a second backing, as discussed at page

10, beginning at line 23. Thus, those skilled in the art would have no trouble understanding Claim 7.

In view of the foregoing amendments and remarks, the rejection of claims 1-5, 7, 8-12, 15, 16, 20, 21 and 22 under 35 U.S.C. 112, second paragraph, is believed obviated and should now be withdrawn.

Turning now to the art rejection, Claims 1-22 stand rejected under 35 U.S.C. 102(a) as anticipated by Himmelsbach.

The Examiner contends that the polygeometric domes of Himmelsbach's calendaring would "inherently deform any pre-determined shape". This is sheer speculation by the Examiner, without any support in the reference itself. Himmelsbach does not teach or suggest anything at all about deformation of the polygeometric domes. It is respectfully pointed out that if the Examiner relies on a theory of inherency as to any particular element, then the extrinsic evidence must make clear that such element is *necessarily* present in the thing described in the reference, and the presence of such element therein would be so recognized by persons skilled in the art. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Further, inherency is not established by probabilities or possibilities, and the mere fact that a property may result from a given circumstances is not sufficient; instead it must be shown that such property *necessarily* inheres in the thing described in the reference.

Accordingly, Himmelsbach cannot possibly anticipate Applicants' process, and the rejection of claims 1-22 under 35 U.S.C. 102(a) as anticipated by Himmelsbach should be withdrawn.

In view of the present remarks it is believed that claims 1-23 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

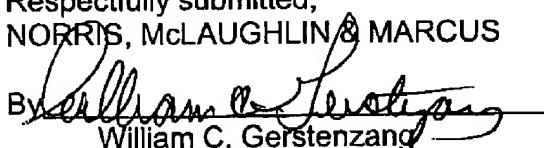
CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

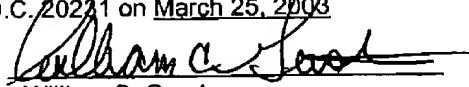
Respectfully submitted,  
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I hereby certify that this correspondence is being  
transmitted via facsimile addressed to Hon.  
Assistant Commissioner For Patents, Washington,  
D.C. 20231 on March 25, 2003

  
William C. Gerstenzang

Date: March 25, 2003

**MARKED-UP COPIES OF AMENDED CLAIMS  
SHOWING CHANGES RELATIVE TO PREVIOUS VERSIONS**

Claim 1 (twice amended). Process for producing a partially self-adhesively treated backing material, comprising the following steps:

- a) coating a first backing material with a self-adhesive composition in the form of domes and/or polygeometric structural forms, or both, [of self-adhesive composition, a1] the add-on of the self-adhesive composition to the backing material being at least 3 g/m<sup>2</sup> and [a2] the surface coverage of the backing material being at least 1%,
- b) [permanent deformation of] permanently deforming at least some of the domes, polygeometric structural forms or at least some of each.

Claim 4 (twice-amended). Process according to Claim 1, wherein permanent deformation of the domes or polygeometric structural forms takes place by means of a controlled temperature regime during coating or by the introduction of radiative energy, mechanical energy, [secondary energy] or by a combination thereof.

Claim 7 (twice-amended). Process according to Claim 1, wherein the first backing material is a roller (6) or a belt, with an abhesive surface, the abhesive surface comprising a coating of silicones or fluorine compounds or a plasma-coated release system, which is applied with a weight per unit area of from 0.001 g/m<sup>2</sup> to 3000 g/m<sup>2</sup>.

Claim 8 (twice amended). [Apparatus] Process according to Claim 7, wherein said first backing material is a roller, the surface-temperature of which is adjustable and the abhesive properties of the surface [of the roller 6 are matched] are such [so] that the applied self-adhesive composition adheres to the [thermally conditioned] surface of the roller.

Claim 10 (twice-amended). Process according to Claim 7, wherein the domes, polygeometric structure forms or both are transferred to a second backing material during or after the permanent deformation, by guiding the second backing material [is guided] against the abhesive surface of the roller (6) or of the belt by way of a pickup roller (7) which is positionable in the peripheral direction and/or radial direction with respect to the [abhesive] roller or to the [abhesive] belt and/or may force the second backing material against the domes, polygeometric forms or both, with pressure, [be applied with a pressing force,] so that the degree of permanent deformation may be influenced.

Claim 12 (twice amended). Process according to Claim 11, wherein the deflection devices (8, 9) comprise rollers which are positionable in the peripheral direction, radial direction or both with respect to the [abhesive] roller (6) or belt and which optionally [are applied with a pressing force] force the second backing material against the domes, polygeometric forms or both, with pressure, so that the degree of permanent deformation is optionally influenced.

Claim 15 (twice-amended). Process according to Claim 1, wherein the [profile of] viscoelastic properties of the domes, polygeometric structural forms or of both [is] are established by controlling the heat energy from the coating process, by the at least partial introduction of additional energy, or by the at least partial removal of heat energy, or by a combination thereof.

Claim 18 (twice-amended). Process according to Claim 1, wherein the side of the backing material opposite the adhesive has a bond strength [on] to steel [to the reverse face of the backing] of at least 0.5 N/cm.

Claim 19 (twice amended). Plasters, medical [fixings] adhesive tapes, wound coverings, doped systems, and orthopaedical and phlebological bandages and dressings comprising partially self-adhesively treated backing materials prepared according to Claim 1.

Claim 20 (twice amended). Plasters, medical [fixings] adhesive tapes, wound coverings, doped systems and orthopaedical and phlebological bandages and dressing according to Claim 19, wherein following its production, the partially self-adhesively treated backing material is lined or provided with a wound pad or padding and/or is sterilized[, preferably by means of  $\gamma$  (gamma) radiation].

Claim 21 (twice amended). Industrial and reversible [fixings] adhesive tapes comprising the partially self-adhesively treated backings prepared according to Claim 1,



which on removal cause no damage or injury to substances of paper, plastics, glass, textiles, wood, metals or minerals.

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**ABSTRACT**

*J*

Process for producing partially-self-adhesively treated backing materials  
comprising partially deformed domes or polygeometric forms of adhesive.

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